

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7279

BILL NUMBER: HB 1849

NOTE PREPARED: Apr 4, 2003

BILL AMENDED: Apr 3, 2003

SUBJECT: Possession of Firearm by Domestic Batterer.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR: Sen. Long

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It provides that a person convicted of a crime of domestic violence may not possess a firearm even after the person's right to vote or right to serve on a jury has been restored.

(B) It permits a person to have the person's right to possess a firearm restored after the expiration of a five-year period.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Provision A:* This bill provides for a Class A misdemeanor for a person who has been convicted of a domestic violence crime and who knowingly or intentionally possesses a firearm. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Provision B - Court Fee Revenue: If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: *Provision A:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Provision B's effect on the number of court hearings in a particular county will depend on how often firearms have been taken away from a person who has been convicted of domestic violence and how often these individuals will petition the court to have the person's right to possess a firearm restored.

Explanation of Local Revenues: *Provision A:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

Provision B - Court Fee Revenue: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

Gun License Fees: Under current law, a qualified handgun license fee for hunting and target practice is \$5 and for an unlimited handgun license fee for the protection of life and property is \$15. In CY 2001, there were 80,121 unlimited handgun permits issued and 210 qualified licenses. *There are no data available to indicate how many of these licenses were issued to people who had been convicted of a domestic violence crime.* If offenders convicted of domestic violence crimes who have had voting and jury service rights restored will not qualify for a handgun license, these local funds may forego revenues until the five-year term expires.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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